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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/662,523

09/16/2003

Robert D. Johnson

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09/22/2004

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EXAMINER

NGUYEN, JIMMY

ART UNIT

PAPER NUMBER

2829

DATE MAILED: 09/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/662,523	Applicant(s) JOHNSON ET AL	
	Examiner Jimmy Nguyen	Art Unit 2829	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>0904</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 8 – 11 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Pool (US 6433530).

As to claim 1, Pool discloses (fig 1) a handheld circuit tester (10) for automotive electrical systems having at least one of a low voltage and a high voltage, the tester comprising:

an elongated, curved handle portion (10) , the handle portion being substantially in the shape of a screwdriver handle;

a probe device (32), the probe device (32) being substantially in the shape of a screwdriver shank, wherein the probe device (32) is capable of conducting current from the positive side of an automotive circuit (figs 3 and 4);

a ground device (30) capable of securedly attaching to the negative side of the automotive circuit (figs 3 and 4); and

electronic circuitry (70) operatively coupled to the probe device (32) and the ground device (30), the circuitry (70) being configured to sense a low automotive system voltage and a high automotive system voltage, and wherein the electronic circuitry (70) is disposed within the elongated, curved handle portion (10).

As to claim 8, Pool discloses (fig 1) the tester as recited in Claim 1, further comprising: a spring assembly (100) disposed within the handle between the probe device and electronic circuit, wherein the spring assembly is comprised of a conductive material, and wherein the spring assembly is configured to compress when force is applied to the probe device.

As to claim 9, Pool discloses (fig 1) the ground device (30) includes insulation (on both side of the handle clip) positioned thereon, and wherein the probe device (32) includes protective layer (50, 52) positioned thereon, the tubing being configured to securely fit over an exposed portion of the probe device.

As to claim 10, Pool discloses (fig 1) a retractable assembly (as seen in figure 1) that includes an insulated flexible electrical wire, the retractable assembly being disposed between the spring assembly (100) and the ground device (30).

As to claim 11, Pool discloses (fig 1) the tester as recited in Claim 1, further comprising:

a protective cap (50, 52) having an open end capable of securely fitting over at least a portion of the probe device (32), whereby the protective cap protects the probe device from physical damage when the probe device (32) is not in use; and

a strain relief device (as seen in figure 1) extending from the handle (10), the strain relief device being coaxial with the handle (10) and the retractable assembly, wherein the retractable assembly has an outside diameter and the strain relief device

has an inside diameter, wherein inside diameter of the strain relief device forms a substantially annular ring around at least a portion of the outside diameter of the retractable assembly.

As to claim 13, Pool discloses (fig 3) a method for testing the voltage level of an automotive circuit with a circuit tester, the method comprising steps of;

connecting the probe device (10) to the positive side of an automotive circuit (battery);

connecting the ground device to the negative side of the automotive circuit; and
determining the voltage level of the automotive circuit based on the visible display.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2 – 7, 12, 14 – 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pool (US 6433530) in view of Brass (US 5789911).

As to claims 2, 12, 14, 16, 20, 21, Pool discloses (fig 1) everything except for the tester as recited in Claim 1, wherein the electronic circuitry includes a first visible indicator that indicates a low automotive system voltage is sensed, and a second visible indicator that indicates a high automotive system voltage is sensed.

However, Brass teaches the tester as recited in Claim 1, wherein the electronic circuitry includes a first visible indicator (23) that indicates a low automotive system voltage (the negative voltage) is sensed, and a second visible indicator (21) that indicates a high automotive system voltage (the positive voltage) is sensed.

It would have been obvious to one having an ordinary skill in the art at the time of the invention was made to have two different indicators within the handheld testing device for the purpose of easier to recognize two different voltage level.

As to claim 3, Brass teaches (fig 1) the first (23) and second (21) visible indicators are LED.

As to claim 4, Brass teaches (fig 1) the handle portion (3) is composed of a material that is sufficiently transparent (column 4 lines 30 – 31) such that the LED (21, 23) are visible through the material when the LED are energized.

As to claim 5, Brass teaches (fig 1) the handle material is a polymer (column 4 line 41, 42).

As to claims 6, 15, 18, Brass teaches (fig 1) the tester as recited in Claim 3, wherein the first visible indicator emits light (23) of a first color (green) when a low automotive system voltage is sensed, and the second visible indicator emits light (21) of

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a second color (red) when a high automotive system voltage is sensed (column 6 lines 1 – 12).

As to claim 7, Brass is only teach the first visible indicator is one LED, and the second visible indicator is one LED. However, having two LED for each of sensing voltage is just a duplication in part and it would have been obvious for one having an ordinary skill in the art to do so for the purpose of easier to observe.

As to claim 17, Brass teaches the first LEDs is a set of series connected LEDs, and the second light emitting load is a set of series connected LEDs.

As to claim 19, Brass teaches the first voltage sensing device (21) is a zener diode, and the second voltage sensing device (23) is a zener diode.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jimmy Nguyen at (703) 306-5858. Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4900.

JN.
Sep 14, 2004

Asok Kumar Sarker
9/17/04